

Memorandum of Law, Sources of Authority.

1) Cases on Limits to State Sovereign Immunity under 14th Amend.:

"Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), was a United States Supreme Court decision that determined that the U.S. Congress has the power to abrogate the Eleventh Amendment sovereign immunity of the states, if this is done pursuant to its Fourteenth Amendment power to enforce upon the states the guarantees of the Fourteenth Amendment.[1] "

https://en.wikipedia.org/wiki/Fitzpatrick_v._Bitzer

<https://supreme.justia.com/cases/federal/us/427/445/>

...

"Grable & Sons Metal Products, Inc. v. Darue Engineering & Mfg., 545 U.S. 308 (2005), was a United States Supreme Court decision[1] involving the jurisdiction of the federal district courts under 28 U.S.C. § 1331 (federal question jurisdiction).[2] "

https://en.wikipedia.org/wiki/Grable_%26_Sons_Metal_Products,_Inc._v._Darue_Engineering_%26_Mfg.#Majority_opinion

<https://supreme.justia.com/cases/federal/us/545/308/>

2) Limits to Judicial Immunity...must be judicial act, within limits of Constitution and Oath;

This article gives a good summary of requirements and limits for immunity for govt officials, and the Pearson case from 2009 gives these two requirements for immunity, which come from the 2001 Katz case, here:

From this article here:

https://www.law.cornell.edu/wex/qualified_immunity

"... (a) Saucier mandated, see 533 U. S., at 194, a two-step sequence for resolving government officials' qualified immunity claims: A court must decide (1) whether the facts alleged or shown by the plaintiff make out a violation of a constitutional right, and (2) if so, whether that right was "clearly established" at the time of the defendant's alleged misconduct, id., at 201. Qualified immunity applies unless the official's conduct violated such a right. Anderson v. Creighton, 483 U. S. 635 . Pp. 5–7. "

Pearson v. Callahan, 555 U.S. 223 (2009)

<https://www.law.cornell.edu/supct/html/07-751.ZS.html>

Saucier v. Katz, 533 U.S. 194 (2001)

<https://supreme.justia.com/cases/federal/us/533/194/>

...

"Goldstein v. Galvin, 719 F.3d 16, 25 (1st Cir. 2013); see also Zenon v. Guzman, 924 F.3d 611, 616 (1st Cir. 2019) (providing, "[a] primer on judicial immunity.").

Judicial immunity is overcome only in cases where a judge is carrying out a nonjudicial action, or in instances where a judge takes an action that, though seemingly "judicial in nature," is "in the complete absence of all jurisdiction."

Mireles v. Waco, 502 U.S.

... 9, 11-12 (1991) (per curiam). Summarily, "the relevant inquiry is the 'nature' and 'function' of the act, not the act itself." ..."

<https://casetext.com/case/goldstein-v-galvin>

<https://www.casemine.com/judgement/us/5914e1e3add7b049348eeced>

"MIRELES v. WACO(1991)"

<https://caselaw.findlaw.com/us-supreme-court/502/9.html>

"Zenon v. Guzman, 924 F.3d 611," <https://casetext.com/case/zenon-v-guzman>

...More sources now for this, when someone "reasonably should know" or "reasonably should have known" what they did or neglect to do is "to the Contrary" of "Law of the Land" they are "not entitled to immunity"!... Like these laws, cases, etc...

...

"For a judge's conduct to constitute a violation of a rule, the judge must have known or reasonably should have known the facts giving rise to the violation."

<https://www.wicourts.gov/sc/rules/chap60.pdf>

...

"The Qualified Immunity Doctrine in the Supreme Court: Judicial Activism and the Restriction of Constitutional Rights

...

See Wood, 420 U.S. at 322 (stating that an official is not immune "if he knew or reasonably should have known that the action... would violate... constitutional rights").

...

The gov-ernment conceded the existence of settled legal principles, but claimed that qualified immunity still protected the agent unless he reasonably should have known at the time of the incident that his particular conduct violated the Constitution.

..."

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2508&context=faculty_scholarship

...

That phrase is in this case a few times also:

"Good faith exists where an official's acts did not violate clearly established rights of which the official reasonably should have known..." -murray-v-white (1991)

<https://casetext.com/case/murray-v-white>

...

Owens v City of Independence,

"The good faith inquiry in a § 1983 suit asks whether an official's acts violated clearly established "statutory or constitutional rights" of which the official **reasonably should have known** because § 1983 provides a remedy only for violations of federal constitutional and statutory law. See Owen v. City of Independence, 445 U.S. 622, 649 (1980) (§ 1983 requires inquiry into whether defendant "has conformed to the requirements of the Federal Constitution and statutes"); Baker v. McCollan, 443 U.S. 137, 146 (1979) ("Section 1983 imposes liability for violations of rights protected by the Constitution, not for violations of duties of care arising out of tort law."). Qualified immunity from a state law claim does not contain the "statutory or constitutional rights" limitation because a state law claim is not so limited. Qualified immunity from tort liability will not be made to depend upon whether the tort has been codified. Accordingly, the "statutory or constitutional" limitation is not part of qualified immunity from state law claims."

<https://casetext.com/case/murray-v-white>

...

"reasonably should" Owen v. City of Independence, 445 U.S. 622, 635 n.14 (1980)...

<https://casetext.com/case/owen-v-city-of-independence-missouri#p649>

...

"We have not previously "define[d] the minimum level of involvement for liability under the integral-participant doctrine," Reynaga Hernandez, 969 F.3d at 941, but **our precedents have permitted liability in two situations: those in which (1) the defendant knows about and acquiesces in the constitutionally defective conduct as part of a common plan with those whose conduct constitutes the violation or (2) the defendant "set[s] in motion a series of acts by others which [the defendant] knows or reasonably should know would cause others to inflict the constitutional injury."** Johnson v. Duffy, 588 F.2d 740,

743–44 (9th Cir. 1978); accord *Buck v. City of Albuquerque*, 549 F.3d 1269, 1279–80 (10th Cir. 2008);
Gutierrez-Rodriguez v. Cartagena, 882 F.2d 553, 560–61 (1st Cir. 1989)."
SUSAN PECK, ET AL V. ANTHONY MONTOYA, ET AL 20-56413 Los Angeles
District Court MILLER Civil 10/18/202
<https://cdn.ca9.uscourts.gov/datastore/opinions/2022/10/18/20-56413.pdf>
Btw I found that^ case citation (how do I cite the case?) here:
<https://www.ca9.uscourts.gov/opinions/>

3) **FRCP 23 on Class Actions**, which CAN include entire 50 States and all US Citizens;
https://www.law.cornell.edu/rules/frcp/rule_23

4) **FRCP on Subject Matter Jurisdiction, Federal Question** (incl. evidence and reasons, like we are claiming NH State Laws and practices violate US Laws, and also that US Laws need to be changed, as well as that our arguments effect everyone in the USA hence a “Class Action” involving “Diversity Jurisdiction” as well...
https://www.law.cornell.edu/rules/frcp/rule_12
28 U.S. Code § 1331 - Federal question:
<https://www.law.cornell.edu/uscode/text/28/1331>
28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs:
<https://www.law.cornell.edu/uscode/text/28/1332>

5) **Specific claims against JCC**: After explaining why Judges “reasonably should have known” they acted “to the Contrary” of “fundamental principles” of “Constitutional Law” and “the common law”, violating their Oath to Defend Constitution(s) above all, and JCC reasonably should have known and stopped it as that is the purpose of their existence!

6) **FRCP/Case Precedent/USCs on What Relief CAN be granted by US Courts**, when how and why it should be granted, etc...
<https://www.law.cornell.edu/wex/remedy>
https://www.law.cornell.edu/wex/injunctive_relief
https://saylordotorg.github.io/text_law-for-entrepreneurs/s19-remedies.html
<https://www.irglobal.com/article/four-types-of-civil-relief-when-filing-a-lawsuit/>

7) NH Local US.Dist.Ct. Rules such as 7.1(a)(2) Regarding Memorandums of Law and other Supporting Documents required for Certain Court Motions:

<https://www.nhd.uscourts.gov/local-rules-0>

<https://www.nhd.uscourts.gov/pdf/Combined%20LR%20Dec%202022.pdf>

8) References in judicial defendants motion regarding courts duty to construe evidence not contested by any party in light most favorable to the plaintiff (See references below):

9) And for part of what this Plaintiff is asking for is that "injunctive" or 'declaratory relief" where the Higher court rules that the lower ones ARE violating due process (declaratory), and order them to change (injunctive). -

https://www.law.cornell.edu/wex/injunctive_relief

NOTE: "... injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. ..." 42 U.S. Code § 1983 - Civil action for deprivation of rights - <https://www.law.cornell.edu/uscode/text/42/1983>
<https://law.justia.com/constitution/us/article-3/14-congressional-limitation-of-the-injunctive-power.html>

10) See: Federal Rules of Civil Procedure › TITLE III. PLEADINGS AND MOTIONS › Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing

" ...

(b) How to Present Defenses. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

(1) lack of subject-matter jurisdiction;

(2) lack of personal jurisdiction;

(3) improper venue;

(4) insufficient process;

(5) insufficient service of process;

(6) failure to state a claim upon which relief can be granted; and

(7) failure to join a party under Rule 19. ..."

https://www.law.cornell.edu/rules/frcp/rule_12

11) As these Judicial Defendants motion to dismiss states, they do not dispute any facts from this Plaintiff's Civil Complaint: "As such, where (as here) a 12(b)(1) motion is based on the facial validity of the complaint rather than a dispute of fact, "[a] court's inquiry is largely the same under both rules: the well-pleaded facts must be taken as true and viewed in the light most favorable to the plaintiff, and all reasonable inferences from those facts must be drawn in the plaintiff's favor. ...". NOTE: "... Face validity is the less rigorous method because the only process involved is reviewing the measure and making the determination of content validity is based on the face of the measure. Logical validity is a more methodical way of assessing the content validity of a measure. This type of content validity entails having a panel of experts review the measure on specific criteria. ..." -

<https://www.sciencedirect.com/topics/mathematics/face-validity>

For the actual quotes and links to sources and more go to the webpage in the link below.

For right now here are two pages online where these are being sorted out for this notice:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/>

<https://www.nrdl.org/sources/>

First a list of basic references useful in any Court case:

[1] The Purpose of Government. "the supreme Law of the Land" and "the common law":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-86>

[2] List of 'self-evident' basic Human Rights:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-89>

[3] "Probable cause":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-87>

[4] Three Elements to a Crime:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-88>

[5] "Essential elements of due process of law":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-93>

[6] "Deprivation of rights under color of law". "Colorable Law" (See USCs BELOW ALSO):

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/>

mment-page-1/#comment-91

18 U.S. Code § 241 - Conspiracy against rights
<https://www.law.cornell.edu/uscode/text/18/241>

18 U.S. Code § 242 - Deprivation of rights under color of law
<https://www.law.cornell.edu/uscode/text/18/242>

18 U.S. Code Chapter 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
18 U.S. Code § 1962 - Prohibited activities
<https://www.law.cornell.edu/uscode/text/18/1962>
<https://www.justice.gov/archives/jm/criminal-resource-manual-109-rico-charges>

42 U.S. Code § 1981 - Equal rights under the law
<https://www.law.cornell.edu/uscode/text/42/1981>

42 U.S. Code § 1983 - Civil action for deprivation of rights
<https://www.law.cornell.edu/uscode/text/42/1983>

42 U.S. Code § 1985 - Conspiracy to interfere with civil rights
<https://www.law.cornell.edu/uscode/text/42/1985>

42 U.S. Code § 1986 - Action for neglect to prevent
<https://www.law.cornell.edu/uscode/text/42/1986>

42 U.S. Code § 1988 - Proceedings in vindication of civil rights
<https://www.law.cornell.edu/uscode/text/42/1988>

28 U.S. Code § 2513 - Unjust conviction and imprisonment
<https://www.law.cornell.edu/uscode/text/28/2513>

[7] Public Servants' Oath(s), and resulting lack of "Immunity":

<https://www.nh.gov/glance/oaths.htm>

See. N.H.Const.2nd Part.Art.84.: <https://www.nh.gov/glance/constitution.htm>

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/co>
mment-page-1/#comment-92

[8] We are 'sovereign', not 'subject' to Law/Statutes/Etc. without Consent or Injured Party:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/co>
mment-page-2/#comment-104

[9] Parental Rights:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/co>
mment-page-2/#comment-115

[10] Right to privacy:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/co>
mment-page-1/#comment-97

...DUPLICATE... Right to Privacy:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-90>

[11] Right to Free Travel on Public Roads "in the conveyance of the day":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-101>

[12] Right to own Land and other Property:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-98>

[13] Right to any 'Common Practice':

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-99>

[14] Right to 'fair exchanges':

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-100>

...DUPLICATE... "Fair Exchanges" like compensation for labor, are a Natural Common Human right, and therefore not "lawful" to "license" or "tax" or "infringe" in any way:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-116>

[15] Right "to solicit for donations for ones self" is a right of free speech:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-102>

[16] An un rebutted affidavit stands as a fact in a court of law:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-107>

[17] Motions are deemed filed when handed to the Officer:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-105>

[18] Void for Vagueness Doctrine:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-95>

[19] "Jurisdiction". requirements, limits:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-94>

[20] 'Justice':

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-96>

[21] 'State':

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-103>

[22] "Lawful" "Money":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-109>

[23] "Trespass...means...except...when premises are open to the public", [ARS 13-1501, 13-1502] (See also Numbers 2-6):

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-106>

[24] Names of all Govt. units and Humans must be "Proper Nouns" (only 1st Letters capitalized) by "Law":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-108>

[25] All govt., cities, states, police, courts, etc., are 'corporations' registered on Dunn and Bradstreet (dnb.com):

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-110>

[26] Our Constitutional republic was lost in 1861, when the 1st State seceded:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-111>

[27] "private attorney general doctrine":

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-114>

[28] INFO ON PERFORMING WRITS OF MANDAMUS:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-57>

[29] INFO REGARDING HOW TO PERFORM COMMERCIAL LIENS:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comment-58>

[30] RIGHT TO RELEASE FROM JAIL PENDING CRIMINAL CONVICTION:

<https://freemottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-2/#comment-138>

LEGAL DEFINITIONS OF WORDS:

[31] Define "Misprision" (as in "misprision of felony"):

"Criminal neglect of duty or wrongful execution of official duties.", noun, law.

<https://www.wordnik.com/words/misprision>

...

"a: neglect or wrong performance of official duty"

<https://www.merriam-webster.com/dictionary/misprision>

Also see: U.S. Code, Title 18, CRIMES AND CRIMINAL PROCEDURE, Part I. CRIMES, Chapter 1. GENERAL PROVISIONS, "18 U.S. Code § 4 - Misprision of felony", <https://www.law.cornell.edu/uscode/text/18/4>

...

18 U.S. Code § 2382 - Misprision of treason
<https://www.law.cornell.edu/uscode/text/18/2382>

[32] Define "probable":

"likely to be true or likely to happen."

<https://dictionary.cambridge.org/dictionary/english/probable>

<https://www.merriam-webster.com/dictionary/probable>

"2 having more evidence for than against, or evidence that inclines the mind to belief but leaves some room for doubt."

<https://www.dictionary.com/browse/probable>

[33] Define "reasonable":

"Just, rational, appropriate, ordinary, or usual in the circumstances. ... In the law of negligence, for example, the reasonable person standard is the standard of care that a reasonably prudent person would observe under a given set of circumstances. An individual who subscribes to such standards can avoid liability for negligence."

<https://www.law.cornell.edu/wex/reasonable>

[34] "conjecture". which means btw to be clear:

"inference formed without proof or sufficient evidence"

<https://www.merriam-webster.com/dictionary/conjecture>

Those specific references for this case:

[101] See Order Finding Randall Collier for Harassment and Threatening dated 2.4.2013, by Judge James M. Carrol;

[102] See US Codes like USC 18-241 & 242 and 42-1983 & 1986 on "Deprivation of rights under color of law", "color of law abuse", etc.;

[103] For Wrongful Conviction/Prosecution, "Miscarriage of Justice", see 28 U.S. Code § 2513 - Unjust conviction and imprisonment - <https://www.law.cornell.edu/uscode/text/28/2513> ;

[104] Unconstitutional "Domestic Violence" "Protective Order" issued on 1.24.2013 by ;

[105] See N.H. State Law(s), especially 173B:1 'Definitions'[5] and "the supreme Law of the Land" (i.e. Amend.4,5,6,14, US.Supr.Ct. 'Precedents', etc.)[1] which requires "probable" evidence[3] of "abuse"[5] (which must be an actual "crime" according to these "fundamental principles"[133]) ;

<https://law.iustia.com/codes/new-hampshire/2014/title-xii/chapter-173-b/section-173-b-1/>

See Also, The Stated Purpose of this "New Hampshire Judicial Branch" Court is: "Our Mission:...": <https://www.courts.nh.gov/>

Also See, N.H. State law from "TITLE XII: PUBLIC SAFETY AND WELFARE" which "Includes Chapters 153 - 174", is not the "Criminal Code" here: "TITLE LXII: CRIMINAL CODE", which "Includes Chapters 625 – 651-F", therefore making this a "colorable law" "to the Contrary" of "the supreme Law": <https://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XII.htm> & <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXII.htm>

N.H. Constitution, Article 15, "Rights of Accused": www.nh.gov/glance/bill-of-rights.htm

N.H. Law for "protective Orders:

<https://www.gencourt.state.nh.us/rsa/html/xii/173-b/173-b-1.htm> &
<https://www.courts.nh.gov/self-help/restraining-orders> &
<https://courts-state-nh-us.libguides.com/c.php?g=895172&p=6437546> ;

[106] See Hearing on emergency relief on 1/24/13, page 2,3,4;

[107] See Original Domestic Violence Petition (5 pages), 2012;

[108] See Police Report, Officer who escorted him out reported no weapons in the home;

[109] ...Removed, Not applicable;

[110] See 1.24.2013 Stalking Petition ; Court order dates 2.4.2013 ; Judges Findings did not match order.

[111] See: N.H. Law for "harassment": "644:4 Harassment. –

I. A person is guilty of a misdemeanor, and subject to prosecution in the jurisdiction where the communication originated or was received, if such person:

...

(f) With the purpose to annoy or alarm another, having been previously notified that the recipient does not desire further communication, communicates with such person, when the communication is not for a lawful purpose or constitutionally protected. " -

<http://www.gencourt.state.nh.us/rsa/html/LXII/644/644-4.htm> ;

Btw part of this at the end there was apparently 'repealed' in 2015-16 because it's there in 2015 and not in 2016 or after...

<https://law.justia.com/codes/new-hampshire/2015/title-lxii/chapter-644/section-644-4/>

<https://law.justia.com/codes/new-hampshire/2016/title-lxii/chapter-644/section-644-4/>

...;

[112] See "Deprivations of equal rights to "due process of law"[5] by accepting the opinions and claims of the mother and her family as "evidence" without allowing the Father the ability to "Cross Examine" the "Witness(s)"...", 7.30.2013 hearing;

[113] See "...fundamental principles"[133] of "due process of law"[1,5] which require equal ability to "Cross Examine" Witnesses..." (US.Supr.Ct. Precedents);

[114] "...using Posts on Facebook as "evidence" to perpetuate this clearly unlawful "Protective Order"..."

[115] See N.H. Law for "Criminal Threatening", N.H. State Law 631:4 -

<http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-4.htm> &:

<https://law.justia.com/codes/new-hampshire/2020/title-lxii/title-631/section-631-4/> ;

:[116] "charging Mr. Collier for "Criminal Threatening" just for "staring" back (In return) at the opposing Parties Counsel in open court...", quoting 2.4.2013 Hearing.;

[117] See "...judge denying access to video surveillance tapes from the court regarding the charge of "criminal threatening"...", 2.12.2014 & 7.22.2013 Court Orders.;

[118] See "...Videos which are likely deleted since shortly after the incident according to a court clerk...", 2013;

[119] ...Removed, Not applicable;

[120] ...Removed, Not applicable;

[121] See "...judge intersecting law with medicine when the judge said details of the case wasn't discussed in the psychiatric eval thus its not valid for objective review for modification...", 8.24.2017 Hearing.; There was no prior court order requiring Defendant Randall Collier to discuss legal matter in said "Psychiatric Evaluation".;

[122] See "...first eval found no issues..."

[123] See "...judge still ordered supervised visits and counseling..."

[124] See relevant sources of authority on: "...due process of law like probable cause..."[3][5];

[125] See "...2nd eval found no issues either..."

[126] ...Removed, Not applicable;

[127] (Quoting US.Supr.Ct. Cohens v. Virginia[27]; See USC 2381)

...more sources which may be useful...

[128] See this recent case on how they are shifting the "burden of proof" unlawfully: "New Jersey Division of Child Protection and Permanency v. J.R.-R. and G.R.-R." (November 9, 2020 -- Decided September 27, 2021)":
https://www.nicourts.gov/system/files/court-opinions/2021/a_56_57_19.pdf ;
PREVIOUSLY this ref.128 referred to FRCP Rule 5.2. which requires names of minor children to be 'redacted' which is why we must use initials in court filings here. See: "Privacy Protection For Filings Made with the Court" - https://www.law.cornell.edu/rules/frcp/rule_5.2
[129] See 28 U.S. Code § 1391 - Venue generally -
<https://www.law.cornell.edu/uscode/text/28/1391>
[130] See 28 U.S. Code § 1331 - Federal question -
<https://www.law.cornell.edu/uscode/text/28/1331>
[131] See 28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs –
<https://www.law.cornell.edu/uscode/text/28/1332>
[132] See 28 U.S. Code § 1441 - Removal of civil actions -
<https://www.law.cornell.edu/uscode/text/28/1441>
[133] "The Arizona State Constitution", "1. Fundamental principles; recurrence to", "Section 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."
<https://www.azleg.gov/viewDocument/?docName=https://www.azleg.gov/const/2/1.htm> ;
[134] The 1st Federal Lawsuit filed in this Case:
<https://www.courtlistener.com/docket/63299238/1/collier-v-carroll/>
[135] Meaning of "preponderance of the evidence":
www.law.cornell.edu/wex/preponderance_of_the_evidence

"Title IV-D. 68 F. 3d, at 1150"..
https://www.ssa.gov/OP_Home/ssact/title04/0400.htm

68 F. 3d at 1150

I guess it does say that child support program IS meant to Benefit parents and kids there.

...

"... 42 U. S. C. § 1983 does not permit individual beneficiaries of Title IV -D of the Social Security Act, as added, 88 Stat. 2351, and as amended, 42 U. S. C. §§ 651-669b (1994 ed., Supp. II), to bring suit challenging a State's failure to achieve "substantial compliance" with the requirements of Title IV-D.

..."

Three principal factors determine whether a statutory provision creates a privately enforceable right: (1) whether the plaintiff is an intended beneficiary of the statute; (2) whether the plaintiff's asserted interests are not so vague and amor-

330

Syllabus

phous as to be beyond the competence of the judiciary to enforce; and (3) whether the statute imposes a binding obligation on the State.

First, "needy families with children" were the intended beneficiaries of Title IV-D. 68 F. 3d, at 1150. Second, the majority held that the "plaintiffs' asserted interest is not vague or amorphous, and it is sufficiently concrete to be judicially enforceable" because whether a State delivers the services required by Title IV-D "to the degree required by law is judicially ascertainable."

Title IV-D: https://www.ssa.gov/OP_Home/ssact/title04/0400.htm

Compare *Wehunt v. Ledbetter*, 875 F.2d 1558 (CA111989) (holding that Title IV -D was not enacted for the especial benefit of AFDC families, and so it does not create enforceable rights under § 1983), cert. denied, 494 U. S. 1027 (1990), with *Carelli v. Howser*, 923 F.2d 1208 (CA6 1991) (holding that Title IV-D creates rights that are enforceable under § 1983, but that the Secretary's oversight power forecloses a § 1983 remedy)

<https://casetext.com/case/wehunt-v-ledbetter>

<https://casetext.com/case/carelli-v-howser-2>

<https://www.law.cornell.edu/uscode/text/42/1983>

Haines v. Kerner is a helpful case here, regarding our right to appeal and submit a revised complaint under the initial filing fee and have one of the now two paid, be repaid back to this plaintiff to avoid this court being liable for charging double and violating the plaintiffs rights to equal redress of grievances.;

Haines v. Kerner, 404 U.S. 519 (1972):

"... allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears

Page 404 U. S. 521

"beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Conley v. Gibson*, 355 U. S. 41, 355 U. S. 45-46 (1957). See *Dioguardi v. Durning*, 139 F.2d 774 (CA2 1944)."

<https://supreme.justia.com/cases/federal/us/404/519/>

Conley v. Gibson, 355 U.S. 41 (1957):

<https://supreme.justia.com/cases/federal/us/355/41/>

https://en.wikipedia.org/wiki/Conley_v._Gibson

DIOGUARDI v. DURNING, Collector of Customs, Port of New York:

[https://casetext.com/case/dioguardi-v-durning#:~:text=2d%20774%20\(CA2%201944\)%2C.three%20weeks%20before%20the%20sale](https://casetext.com/case/dioguardi-v-durning#:~:text=2d%20774%20(CA2%201944)%2C.three%20weeks%20before%20the%20sale)

...

And here are links to the *Behr* and *Exxon* Cases explaining that "Rooker-Feldman Doctrine" and redefining its limits (From my FB post)... that 2021 case (*Behr*) Mentions...

"Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005)":

<https://supreme.justia.com/cases/federal/us/544/280/>

<https://en.wikipedia.org/wiki/Rooker%E2%80%93FeldmanDoctrine>

That^ case apparently redefined that "Rooker-Feldman Doctrine" and it's limits... ONLY prohibiting individual claims (not entire cases) in federal court cases, which attempt to appeal State Court decisions (which only the supreme court may do)... NOT claims such as those for compensation of rights under federal laws during that State Court proceeding, like violations of due process like probable cause, and article 3 standing and corpus delicti Doctrine, trial by jury, proof beyond any reasonable doubt, etc..

And, That^ 2021 case is here:

Behr v. Campbell, et al, US Appeals Ct, 2021:

<https://cases.justia.com/federal/appellate-courts/ca11/18-12842/18-12842-2021-08-12.pdf?ts=1628785830>

<https://law.justia.com/cases/federal/appellate-courts/ca11/18-12842/18-12842-2021-08-12.html>

Behr v. Campbell, No. 18-12842 (11th Cir. 2021):

...
USCA11 Case: 18-12842 Date Filed: 08/12/2021 Page: 1 of 15
"IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
No. 18-12842
D.C. Docket No. 9:18-cv-80221-RLR

...
Appeal from the United States District Court for the Southern District of Florida

...
Before WILSON, GRANT, and TJOFLAT, Circuit Judges.
GRANT, Circuit Judge:

Though one might not always know it from reading federal cases, Rooker-Feldman is a narrow jurisdictional doctrine. It simply establishes that a party who loses a case in state court cannot appeal that loss in a federal district court. This is a straightforward enough rule, and the Supreme Court has held the line without hesitation for nearly a century. But the story has been different in the lower courts—our application of Rooker-Feldman has been unrestrained to say the least, sometimes leading to dismissal of any claim that even touches on a previous state court action. Though the Supreme Court has stepped in to restore the doctrine to its original boundaries, courts have continued to apply Rooker-Feldman as a one-size-fits-all preclusion doctrine for a vast array of claims relating to state court litigation.

This case is a prime example. After a difficult series of child custody interventions and state proceedings, Louis Behr and two of his children filed a 30-count pro se complaint in federal district court asserting a wide variety of constitutional, statutory, and tort claims against 18 named defendants. The district court, seeing that the claims were related to the Behrs' earlier state court litigation, dismissed the entire complaint on Rooker-Feldman grounds.

That kind of sweeping dismissal is not at all unusual—but it is also at odds with the Supreme Court's clearly articulated description of Rooker-Feldman. Our own review of the complaint shows that several of the claims the Behrs raised do not fall within that doctrine's narrow bounds. The district court may ultimately have reason to dismiss them, but not on Rooker-Feldman grounds. That doctrine's era of expansion is over.

...
<https://law.iustia.com/cases/federal/appellate-courts/ca11/18-12842/18-12842-2021-08-12.html>

And here is a brief summary of the 2005 US Supreme Court case that 2021 US Appeals Case (Behr) referred to:

"Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005)":

"PRIMARY HOLDING

The scope of the Rooker-Feldman doctrine is limited to cases brought by parties that lose at the state court level before federal court proceedings have begun and that have been harmed by the judgments at that level, which they are seeking to reverse at the federal level."...

<https://supreme.iustia.com/cases/federal/us/544/280/>

SUMMARY OF BEHR CASE SO FAR: I can use the 1st sentence and last paragraph to spell out, #1 the single purpose of Rooker doctrine, and #2 how the court should address ALL arguments raised (not dismiss for any one reason)...

So the 1st and last sentences in this Behr Case point out what is needed, from the US Appeals Court in 2021, citing the US Supreme Court back in 2005. So THOSE are the "Sources of Authority" I was looking for! So that Behr case cites the US.Supr.Ct. making these "citations",

"the supreme Law of the Land" here! ("any Thing in the Constitution or Laws of any State to the Contrary notwithstanding!").

<https://www.archives.gov/founding-docs/constitution-transcript>

<https://usconstitution.net/const.html>

1st Federal Case:

<https://www.courtlistener.com/docket/63299238/1/collier-v-carroll/>

"1. JUDGES. — A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts." Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938). <https://casetext.com/case/davis-v-burris>

"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued, and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." Ableman v. Booth, 21 Howard 506 (1859). <https://supreme.justia.com/cases/federal/us/62/506/>

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy and to observe the limitations which it imposes upon the exercise of the authority which it gives." United States v. Lee, 106 U.S. 196 (1882), <https://supreme.justia.com/cases/federal/us/106/196/> ; Also see Buckles v. King County (1999), <https://casetext.com/case/buckles-v-king-county> ;

"That Cuiello will suffer irreparable harm absent relief "is demonstrated by a long line of precedent establishing that the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."...", Cuiello v. City of Vallejo, 944 F.3d 816 2019, <https://casetext.com/case/cuiello-v-city-of-vallejo-2> ; <https://casetext.com/case/baird-v-bonta-5>

"States must obey the decisions of the Supreme Court and cannot refuse to follow them.", 1. State courts are bound by the Court's interpretation of federal law and the Constitution, and they must follow it; 2. The Federal Constitution prohibits state courts of general jurisdiction from refusing to enforce federal law solely because the suit is between private parties; 3. State courts have both the power and the duty to enforce obligations arising under federal law, unless Congress gives the federal courts exclusive jurisdiction; 4. The Supreme Court has the ultimate...", Cooper v. Aaron, 358 U.S. 1 (1958), <https://supreme.justia.com/cases/federal/us/358/1/> ;

ATTORNEY LICENSE FRAUD:

- I. AS PER THE UNITED STATES SUPREME COURT: A. The practice of Law CAN NOT be licensed by any state/State Schwartz v. Board of Examiners, 353 U.S. 238, 239. B. The practice of Law is AN OCCUPATION OF COMMON RIGHT! Sims v. Aherns, 271 S.W. 720 (1925).
- II. The "CERTIFICATE" from the State Supreme Court: 1. ONLY authorizes, A. To practice Law "IN COURTS" As a member of the STATE JUDICIAL BRANCH OF GOVERNMENT. B. Can ONLY represent WARDS OF THE COURT. 2. INFANTS 3. PERSONS OF UNSOUND MIND SEE CORPUS JURIS SECUNDUM, VOLUME 7, SECTION 4. 4. A. "CERTIFICATE" IS NOT A LICENSE... A. To practice Law AS AN OCCUPATION. B. Nor to DO BUSINESS AS A LAW FIRM!!! The "STATE BAR" CARD IS NOT A

LICENSE!!! A. It is a "UNION DUES CARD" B. The "BAR" is a "PROFESSIONAL ASSOCIATION." 1. Like the Actors Union, Painters Union, etc. 2. No other association, EVEN DOCTORS, issue their own license. ALL ARE ISSUED BY THE STATE. C. It is a NON-GOVERNMENTAL PRIVATE ASSOCIATION. 1. See Attorney General Dan Morales' letter. 2. As per this letter; the State does not issue licenses and they are not issued by his office!

- III. The State Bar is: A. An Unconstitutional Monopoly, Article 1, Section 26, Texas Bill of Rights. B. A **ILLEGAL & CRIMINAL ENTERPRISE**. C. Violates Article 2, Section 1, Separation of Powers clause of the Constitution. D. There is **NO POWER OR AUTHORITY** for joining of Legislative, Judicial, or Executive as the BAR and SUPREME COURT. <https://www.collegesidekick.com/study-docs/1276669>